

# DrinkerBiddle&Reath

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January 30, 2008

Via Facsimile Only - (914-390-4085)

The Honorable Charles L. Bricant  
United States District Judge  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601

Re: **Battaglia v. Lowe's Home Centers, Inc.**  
**Index No. 3270/2007**

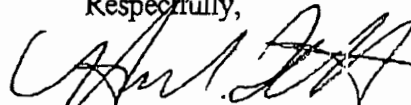
Dear Judge Bricant:

This firm represents Defendant Lowe's Home Centers, Inc. ("Lowe's") in the above referenced matter. Please accept this joint request for an extension of the discovery end.

Pursuant to the Court's Civil Case Discovery Plan and Scheduling Order, the discovery end date is January 31, 2008. The parties have worked diligently to complete written and document discovery, and plan to complete this phase of discovery by the end of the week. However, the parties still require additional time to conduct depositions of Plaintiff and Defendant's witnesses (one of whom is located in North Carolina and the other in Tennessee). Based on the foregoing, the parties require additional time to complete discovery and, therefore, jointly request a 60-day extension of the discovery end date. The parties propose a new discovery end date of March 31, 2008.

Please advise if this request has been granted. Thank you.

Respectfully,

  
Helen E. Tuttle

HET/ada

cc: David S. Halsband, Esq. (via facsimile only)

**MEMO ENVOYED**

Discovery to be completed  
by 4-11-08 Final Conference  
now scheduled for 4/11/08  
9:30. Feb 29, 2008 Conference  
is cancelled.  
So ordered. Jan 30, Charles L. Bricant  
07 CW. 6501 (C 1B) 4505

Edward A. Gramigna, Jr.  
Partner responsible for  
Florham Park Office

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